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RUEAWJB/DEPT OF JUSTICE WASHINGTON DC IMMEDIATE  
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE  
RUEHC/DEPT OF LABOR WASHDC IMMEDIATE

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STATE FOR G/TIP, EAP/MTS, EAP/RSP, INL, DRL  
LABOR FOR ILAB  
JUSTICE FOR CRIMINAL DIVISION  
STATE PASS TO USAID

E.O. 12958: N/A  
TAGS: [PHUM](#) [KCRM](#) [KWMN](#) [EAID](#) [RP](#)  
SUBJECT: PHILIPPINES' FIRST TRAFFICKING IN PERSONS  
CONVICTION OF A PUBLIC OFFICIAL

11. SUMMARY: On September 29, a regional trial court in Manila convicted and sentenced two human traffickers -- including a police officer -- to life in prison and fined them two million pesos (USD 42,500) for the trafficking of minors in 2005. The convicted police officer owned and operated a karaoke club where young women, including minors, worked as prostitutes. Undercover intelligence officers of the Philippine National Police (PNP), acting on evidence provided by the U.S.-funded NGO International Justice Mission, raided the club on May 31, 2005, freeing 11 women, two of whom were minors. Rec's TIP conviction is the first of a public official in the Philippines. This conviction demonstrates that although the overwhelmed Philippine court system can take years to deliver a verdict, the system is still capable of dispensing justice, even in some of the most challenging cases. END SUMMARY.

#### The Background

12. A Manila regional trial court convicted police officer Dennis Rec and floor manager Feliciano Manansala on September 29, 2009, for human trafficking, sentencing them to life imprisonment and fining them each two million pesos (USD 42,500). Under the 2003 anti-TIP law, cases involving criminal syndicates of three or more people, three or more victims, minors, or an offender who is a member of the military or law enforcement agencies are considered "qualified trafficking," and carry stiffer penalties -- such as life imprisonment -- than ordinary trafficking. The third defendant, a woman known as "Mommy Angel," escaped from the club as the police were arresting Rec and Manansala. She has an outstanding arrest warrant against her and could be tried if apprehended.

13. The case against the defendants began in early 2005, when U.S.-funded NGO International Justice Mission (IJM) discovered that minors were working as prostitutes at the 8RC KTV Club in Manila, which was owned by police officer Rec. On May 25, 2005, IJM workers, posing as customers and wearing a hidden video camera, visited the club to conduct surveillance. They met Manansala, who showed them to a table and brought them drinks. He told them that naked girls would be dancing later in the evening and then showed them around the club, including VIP rooms where he said they could have a private dance show or engage in sex with the girls of their choice for 1,500 pesos (USD 32). Manansala also explained that they could pay a "bar fine" to take the girls out to a hotel for 5,000 pesos (USD 106). They also met floor manager Mommy Angel who told them that the girls working in the club as guest relations officers (GRO) were actually dancers and available for sex. At the request of the IJM workers,

Manansala introduced them to Recí who said that he was the club's manager and that he had four underage girls working for him that they could take out of the club for sex. Recí told the IJM workers not to worry about any legal problems because he was a police officer and could protect them. He even offered to escort them to a hotel to ensure there would be no problems.

#### The Sting

¶4. To obtain evidence against Recí and his floor managers, one of the IJM workers paid Recí 1,500 pesos and took a girl into a VIP room to speak to her in private. The girl said her name was "Ice" and told the IJM worker that she had just turned 16 years old. She also said that it was very common for the girls to be paid for sex either in the VIP rooms or at a hotel. The customers just had to speak to one of the floor managers to make the arrangements. The worker went back to Recí and told him that he and his friends would return the next day and pay to take the four underage girls to a hotel. Recí asked for and was given a USD 40 deposit to make sure the girls would be available. After leaving the club, the IJM workers took their evidence to PNP's Criminal Investigation and Detection Group (CIDG) who prepared a sting operation to rescue the underage girls.

¶5. The initial sting attempt on May 26, 2005, failed because a number of the alleged minors were not available; so IJM delayed until a new attempt could be made on May 31. On that night, four CIDG undercover agents entered the 8RC Club to pose as customers until the IJM workers arrived. A CIDG

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officer also gave the IJM workers 20,000 pesos in 500 peso notes that they had photocopied and dusted with fluorescent fingerprint powder beforehand. As soon as the IJM workers entered the club, Recí approached them with two girls, one of whom he claimed was a minor, and told the IJM workers that they were available for sex. Agreeing, the IJM workers handed the 20,000 pesos to Recí. As soon as Recí took the notes and placed them in his wallet, the CIDG agents moved in to make the arrests. While Recí and Manansala were being arrested, Mommy Angel escaped out a rear door in the confusion. The CIDG agents also confiscated the club's business license from the cashier and took the club's 11 female GROs back to their office for interviewing. During the interviews and examinations, they determined that two of the 11 were minors, including the girl who called herself Ice. Ice filed a statement of complaint against Recí and his floor managers, but the other minor declined to make a statement.

#### The Trial

¶6. At the trial, the prosecution sought to prove that Recí and his floor managers, Manansala and Mommy Angel, hired GROs, including minors, to work as prostitutes. The defense attorney tried to establish that neither the IJM workers nor the CIDG officers actually witnessed any of the girls either dancing naked or engaging in prostitution. The defense also pointed out that one minor refused to file a statement and that Ice had retracted her original statement of complaint. He argued that the case should be dismissed because the only remaining complainants, CIDG and IJM, had no direct knowledge of prostitution at 8RC KTV Club.

¶7. To the dismay of the prosecution, CIDG, and IJM, Ice succumbed to threats from Recí and testified in court that she was "confused and carried away with the events" at the time of the raid. Having had time to think about it, she filed an affidavit on December 25, 2005, withdrawing her complaint against the accused. She said that she made her original statement because she was inebriated, tired, and wanted to go home. She stated that she lied to Recí about

her age when she applied for the GRO job at 8RC Club, and denied that she had ever been forced to have sex with customers. She said that she and the other GROs were free to come and go from the club as they pleased and concluded by saying that she did not know the motive of IJM and the police (CIDG) in filing a complaint against the accused.

¶8. Recí claimed that his parents owned the 8RC Club, his mother operated it, and he only helped out occasionally when he was off-duty. The prosecution countered with the business license they confiscated from the cashier, showing that Recí was the registered owner of 8RC Club. They also presented a certification from the city treasurer's office that proved Recí paid the business permit fee and taxes for the club. Recí denied knowing Ice was underage when his floor manager hired her and said he had taken Ice's word that she was 19 years old when she applied for the job. He admitted receiving 20,000 pesos from the IJM worker but maintained that it was merely a reservation fee for an exclusive show to take place at the club the following night. Recí said he did not know what kind of show would take place because that was the floor manager's responsibility, but he was adamant that there were no pornographic shows or acts of prostitution taking place at the club because, as a police officer, he knew "that would be against the law."

¶9. Manansala testified that he, Ice, and another woman applied for jobs at 8RC Club at the same time, and that he did not traffic anybody. He said he was hired by Mommy Angel as an errand boy at the club and just followed whatever instructions she gave him. He maintained that he earned only 100 pesos (USD 2.50) a night for doing errands. He claimed to have no knowledge of what went on in the VIP rooms or of customers taking out the GROs for sex. Manansala also claimed there was no dancing at the club.

#### The Verdict

¶10. After a careful, year-long perusal of the evidence, the judge found Recí and Manansala guilty beyond a reasonable doubt of qualified trafficking and sentenced each of them to

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life in prison and a fine of two million pesos (USD 42,500). The judge noted that Ice's recantation of her initial complaint "does not necessarily cancel an earlier declaration and is subject to the test of credibility based on the relevant circumstances." Regarding the defendants' denials of their involvement in trafficking and prostitution, the judge ruled that "denials unsubstantiated by clear and convincing evidence are negative and self-serving, which merit no weight in law and cannot be given greater evidentiary value over the testimony of credible witnesses." Because floor manager Mommy Angel is still at large, the judge issued a warrant of arrest against her.

¶11. As is often the case in trials involving public officials in the Philippines, the judge had to consider allegations of witness tampering and its possible effect on the evidence. Police officer Recí allegedly used the power of his position to extract a written retraction from Ice, and -- according to IJM -- he tried repeatedly to intimidate the IJM workers into dropping their accusations against him. The judge placed more credence on the force of Ice's original statement than on the legalities of her later retraction that may have been made under duress, and the NGO workers refused to be intimidated.

#### Conclusion

¶12. This conviction is an encouraging victory for local civil society groups and dedicated prosecutors in their long-running efforts to combat trafficking in persons in the Philippines. It sends a clear message to other

office-holders that their positions do not guarantee immunity, and that they may be held accountable and prosecuted for trafficking in persons. In a recent meeting, officials from the Philippines Department of Justice (DOJ) told Poloffs that they realize more needs to be done, and they are focused on catching and prosecuting the "big fish" who are involved in human trafficking. They pointed to the arrest last June of an immigration official at the Clark Special Economic Zone on human trafficking charges as evidence of this renewed focus. DOJ also highlighted to Poloffs that two other human trafficking trials have concluded and are awaiting the judges' decisions. Post will continue to monitor the progress of these cases. As shown by the successful, three-year case against Reci and Manansala the court system may move slowly, but the system is capable of providing justice.

KENNEY